

REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed April 10, 2007. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 17 are pending. In particular, Applicants amend claims 1 – 4 and 11 – 17. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Dennison spent with Applicants' Attorney, Anthony Bonner, during a telephone discussion on June 13, 2007 regarding the outstanding Office Action. During that conversation, Examiner Dennison and Mr. Bonner discussed potential arguments and amendments with regard to claim 1, in view of *Srinivasan*. The general thrust of the potential principal arguments included a discussion of amendments that could be made to overcome the cited art. Thus, Applicants respectfully request that Examiner Dennison carefully consider this response and the amendments.

II. Rejections Under 35 U.S.C. §101

The Office Action indicates that claims 1 – 17 stand rejected under 35 U.S.C. §101 as claiming allegedly that the invention is directed to non-statutory subject matter. More specifically, Applicants respectfully traverse the rejection of claims 1 – 10 for at least the reason that the components of these claims are embodied in a system, which falls under the statutory subject matter of 35 U.S.C. §101. More specifically, the elements of claims 1 – 10 are, at the least, functional descriptive material (MPEP §2106), embodied in a system. Thus, the functional

descriptive material of claims 1 – 10 permits the function of the descriptive material to be realized (MPEP §2106). As such, claims are allowable under 35 U.S.C. §101, as well as MPEP §2106. For at least these reasons, Applicants respectfully traverse this rejection.

Applicants additionally traverse this rejection, as it pertains to claims 11 – 17. More specifically, claims 11 – 17 are directed to a method. As clearly stated in 35 U.S.C. §101, a process is included as statutory subject matter. Additionally, MPEP §2106 does not apply to claims 11 – 17, as suggested by the Office Action. For at least these reasons, Applicants traverse this rejection of claims 11 – 17.

III. Rejections Under 35 U.S.C. §102

A. Claim 1 is Allowable Over *Srinivasan*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application Number 2002/0163539 (“*Srinivasan*”). Applicants respectfully traverse this rejection on the grounds that *Srinivasan* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 1 recites:

An email system comprising:

- (A) multiple email folders, the multiple email folders comprising:
 - (A1) a group email folder having group email messages, the group email folder being accessible by each member of a predefined group;
 - (A1) a first individual-user email folder having first-user email messages, the first individual-user email folder being accessible only by a first user, the first user being a member of the predefined group; and
 - (A3) a second individual-user email folder having second-user email messages, the second individual-user email folder being accessible only by a second user, the second user being a member of the predefined group; and
- (B) an email application being executable by the first user, the email application further being executable by the second user, the email application comprising:
 - (B1) first display logic configured to display only first-user email messages and group email messages in response to the email application being executed

- by the first user; and
(B2) second display logic configured to display only second-user email messages and group email messages in response to the email application being executed by the second user,

wherein the group email messages include at least one indicator configured to provide information related to actions associated with the group email messages, taken by each member of the group.

(emphasis added)

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest an “email system... ***wherein the group email messages include at least one indicator configured to provide information related to actions associated with the group email messages, taken by each member of the group***” as recited in claim 1, as amended. More specifically, *Srinivasan* discloses “[o]nce the other parties access the message/folder, the user may track the time and duration of this access at any time” (page 2, paragraph [0025]). Applicants respectfully submit that this is different than an “email system... ***wherein the group email messages include at least one indicator configured to provide information related to actions associated with the group email messages, taken by each member of the group***” as recited in claim 1, as amended. For at least this reason, claim 1, as amended, is allowable over the cited art.

B. Claim 2 is Allowable Over *Srinivasan*

The Office Action indicates that claim 2 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application Number 2002/0163539 (“*Srinivasan*”). Applicants respectfully traverse this rejection on the grounds that *Srinivasan* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 2 recites:

A software application for handling email messages, the application comprising:

a group mail store adapted to store a group email message, the group email message being accessible by members of a predefined

group;

an individual mail store adapted to store an individual-user email message, the individual-user email message being accessible by an individual user; and

a user interface having a first section, the user interface further having a second section, the first section being adapted to display the group email message, the second section being adapted to display the individual-user email message,

wherein the group email message includes at least one indicator configured to provide information related to actions associated with the group email messages, taken by each member of the group.

(emphasis added)

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a “software application for handling email messages... ***wherein the group email message includes at least one indicator configured to provide information related to actions associated with the group email messages, taken by each member of the group***” as recited in claim 2, as amended. More specifically, *Srinivasan* discloses “[o]nce the other parties access the message/folder, the user may track the time and duration of this access at any time” (page 2, paragraph [0025]). Applicants respectfully submit that this is different than a “software application for handling email messages... ***wherein the group email message includes at least one indicator configured to provide information related to actions associated with the group email messages, taken by each member of the group***” as recited in claim 2, as amended. For at least this reason, claim 2, as amended, is allowable over the cited art.

C. Claim 3 is Allowable Over *Srinivasan*

The Office Action indicates that claim 3 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application Number 2002/0163539 (“*Srinivasan*”). Applicants respectfully traverse this rejection on the grounds that *Srinivasan* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 3 recites:

A communication system comprising:

means for providing a group email folder accessible by each member of a predefined group; and

means for providing a first individual-user email folder accessible by a first user, the first user being a member of the predefined group,

wherein the group email folder is configured to provide at least one group email message, the at least one group email message including at least one indicator configured to provide information related to actions associated with the at least one group email message, taken by each member of the group.

(emphasis added)

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a “communication system... ***wherein the group email folder is configured to provide at least one group email message, the at least one group email message including at least one indicator configured to provide information related to actions associated with the at least one group email message, taken by each member of the group***” as recited in claim 3, as amended. More specifically, *Srinivasan* discloses “[o]nce the other parties access the message/folder, the user may track the time and duration of this access at any time” (page 2, paragraph [0025]). Applicants respectfully submit that this is different than a “communication system... ***wherein the group email folder is configured to provide at least one group email message, the at least one group email message including at least one indicator configured to provide information related to actions associated with the at least one group email message, taken by each member of the group***” as recited in claim 3, as amended. For at least this reason, claim 3, as amended, is allowable over the cited art.

D. Claim 4 is Allowable Over Srinivasan

The Office Action indicates that claim 4 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application Number 2002/0163539 (“*Srinivasan*”). Applicants respectfully traverse this rejection on the grounds that *Srinivasan* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 4 recites:

A communication system comprising:
a group email folder accessible by each member of a predefined group;
a first individual-user email folder accessible by a first user; and
an email application executable by the first user, the email application being configured to display the group email folder and the first individual-user email folder in response to being executed by the first user, the email application being further configured to display at least one group email message, the ***at least one group email message including at least one indicator configured to provide information related to actions associated with the at least one group email message, taken by each member of the group.***

(emphasis added)

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a “communication system... the ***at least one group email message including at least one indicator configured to provide information related to actions associated with the at least one group email message, taken by each member of the group***” as recited in claim 4, as amended. More specifically, *Srinivasan* discloses “[o]nce the other parties access the message/folder, the user may track the time and duration of this access at any time” (page 2, paragraph [0025]). Applicants respectfully submit that this is different than “communication system... the ***at least one group email message including at least one indicator configured to provide information related to actions associated with the at least one group email message, taken by each member of the group***” as recited in claim 4, as amended. For at least this reason, claim 4, as amended, is allowable over the cited art.

E. Claim 11 is Allowable Over Srinivasan

The Office Action indicates that claim 11 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application Number 2002/0163539 ("*Srinivasan*"). Applicants respectfully traverse this rejection on the grounds that *Srinivasan* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 11 recites:

A communication method comprising:
providing a group email folder accessible by each member of a predefined group; and
providing a first individual-user email folder accessible by a first user, the first user being a member of the predefined group,
wherein the group email folder is configured to provide at least one group email message, the at least one group email message including at least one indicator configured to provide information related to actions associated with the at least one group email message, taken by each member of the group.

(emphasis added)

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a "communication method... ***wherein the group email folder is configured to provide at least one group email message, the at least one group email message including at least one indicator configured to provide information related to actions associated with the at least one group email message, taken by each member of the group***" as recited in claim 11, as amended. More specifically, *Srinivasan* discloses "[o]nce the other parties access the message/folder, the user may track the time and duration of this access at any time" (page 2, paragraph [0025]). Applicants respectfully submit that this is different than a "communication method... ***wherein the group email folder is configured to provide at least one group email message, the at least one group email message including at least one indicator configured to provide information related to actions associated with the at least one group email message, taken by each member of the group***" as recited in claim 11, as amended. For at least this reason, claim 11, as amended, is allowable over the cited art.

F. Claims 5 – 10 and 12 – 17 are Allowable Over *Srinivasan*

The Office Action indicates that claims 5 – 10 and 12 – 17 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Srinivasan*. Applicants respectfully traverse this rejection on the grounds that *Srinivasan* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 5 – 10 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 4. Further, dependent claims 12 – 17 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 11. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. Alleged Inherency

In addition, in rejecting claim 6, the Office Action asserts that “it is inherent that a user can display the email messages within the folders showed in the interface of Fig. 6 since the purpose of an email application is to view email messages” (OA page 8, element 12). Applicants respectfully traverse the finding of inherency. It is well established that “[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In Re Anthony J. Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2D (BNA) 1949, 1950-51 (Fed. Cir. 1999).

Applicants respectfully submit that the Office Action fails to adequately establish that the subject matter of claim 6 is necessarily present. As the Office Action fails to provide any extrinsic evidence that makes clear that the missing descriptive matter is necessarily present, Applicants respectfully submit that inherency has not been established. In accordance with *In*

re Robertson, Applicants traverse the inherency finding, and submit that claim 6 is allowable over the cited art.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

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